

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 4

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of
the State of Idaho assembled in the Second Regular Session of the Sixty-first
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Congress admitted Idaho to the Union in 1890, soon thereafter
created the United States District Court for the District of Idaho with one
United States District Judge, created a second United States District Judge
in 1954, but has not created any other United States District Judges for the
Idaho federal court since then; and

WHEREAS, Idaho's population has grown from approximately 600,000 in
1954 to over 1.5 million as of the 2010 census; and

WHEREAS, the District of Idaho has the fewest federal district judges
of any of the judicial districts in the Ninth Circuit, with the exception of
Guam and the Northern Mariana Islands; and

WHEREAS, Alaska with a 2010 census population of 710,231, Montana with
a 2010 census population of 989,415, South Dakota with a 2010 census popu-
lation of 814,180 and Wyoming with a 2010 census population of 563,626 each
have three federal district judges even though their populations are signif-
icantly smaller than the population of Idaho; and

WHEREAS, Idaho is the 14th largest state with an area of 83,570 square
miles, and its federal district judges are required to travel throughout
this large and far-flung state to four designated and distant locations to
conduct hearings and trials in both criminal and civil cases; and

WHEREAS, Idaho's United States District Court had 170 pending criminal
and civil cases in 1954, and had 942 pending criminal and civil cases as of
September 2011; and

WHEREAS, although the Idaho federal court has magistrate judges, civil
litigants with cases before the court frequently exercise their right to
have a United States District Judge assigned to their cases, only district
judges may try felony criminal cases, speedy trial requirements and the size
of the criminal case load cause delays in civil cases pending before Idaho's
district judges, and complex cases can tie up district judges for months at a
time, all of which have forced the Idaho federal court to increasingly rely
on out-of-state federal district judges as shown by the 96 percent increase
in visiting judge hours in 2008; and

WHEREAS, the United States District Court for Idaho is recognized
within the federal judicial system, by Idaho's lawyers and by the citizens
of Idaho as an exemplary court comprised of judges and staff making enormous
efforts and sacrifices to meet the demands of its caseload and doing so in a
highly competent fashion; and

1 WHEREAS, notwithstanding the extraordinary and laudable efforts of the
2 United States District Court for the District of Idaho to meet the demands of
3 its caseload, the resources available to it are inadequate, and the result-
4 ing situation has created an unsustainable burden on the court, delayed jus-
5 tice, hindered the rights of the people of Idaho, and hindered the economy of
6 our state; and

7 WHEREAS, the people of Idaho have needed a third federal district judge
8 for a very long time and in 2002 Senate Joint Memorial 110 was adopted by the
9 Second Regular Session of the 56th Idaho Legislature urging the Congress of
10 the United States to authorize an additional United States District Court
11 Judge and the staff necessary to assist in the handling of the District of
12 Idaho's increasing caseload, but, to date, Congress has failed to act; and

13 WHEREAS, a properly resourced and properly functioning judiciary is a
14 fundamental and core governmental function essential to the preservation of
15 the people's rights and their freedom.

16 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
17 sion of the Sixty-first Idaho Legislature, the House of Representatives and
18 the Senate concurring therein, that we hereby respectfully urge the Congress
19 of the United States to authorize an additional United States District Court
20 Judge and commensurate staff for the District of Idaho to assist in handling
21 current and anticipated caseloads in the District of Idaho; and

22 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
23 tives be, and she is hereby authorized and directed to forward a copy of this
24 Memorial to the President of the Senate and the Speaker of the House of Rep-
25 resentatives of Congress, and the congressional delegation representing the
26 State of Idaho in the Congress of the United States.